IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 602 of 2007
Date of decision : 1.2.2007

Yoginder Tuli

.....Petitioner.

Versus

The Secretary Zila Parishad Gurdaspur

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Vipin Mahajan,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the orders passed by the learned Courts below rejecting the application filed by the petitioner under Order 39 Rules 1 & 2 read with Section 151 C.P.C. restraining the defendant respondent herein from demolishing the construction raised by the petitioner.

The learned Courts below have rejected the application by recording that the petitioner has raised illegal construction without permission from the defendants respondent and, therefore, was not entitled to discretionary relief of injunction from the Court.

The learned counsel for the petitioner contends that as his application for permission is pending, the court ought to have granted the injunction and, therefore, the impugned order cannot be sustained . The defendant respondent had taken a specific plea that after moving the application the petitioner in high handedness manner raised the construction illegally without taking permission from the competent authority. The mere

fact that the petitioner had moved an application for constructing a Chaubara did not authorize him to raise construction. Therefore, the learned trial Courts have rightly declined the application moved by the petitioner under Order 39 Rules 1 & 2 read with Section 151 C.P.C.

There is no error or illegality in the impugned order which may call for interference by this Court.

Dismissed.

1.2.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**